

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. NICHOLAS,

Plaintiff,

v.

SCOTT EVANS, et al.,

Defendants.

Civil Action No. 06-112 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 15, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on July 18, 2006, recommended that the action be dismissed as legally frivolous pursuant to 28 U.S.C. § 1915(d). The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Plaintiff filed objections on July 21, 2006 [Doc. No. 3]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 25th day of September, 2006;

IT IS HEREBY ORDERED that this action is DISMISSED as legally frivolous pursuant to 28 U.S.C. § 1915(d).

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on July 18, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge